

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Leonard Emerle

Case No.: 16-16743
Judge: JNP
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: 5/10/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 110.00 per month to the Chapter 13 Trustee, starting on June 1, 2017 for approximately 47 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Offices of Seymour Wasserstrum	Attorney Fees	\$2960 (+ \$2,000 in supplemental fees upon Court approval)
IRS	Taxes	\$0.00 - notice only
State of New Jersey	Taxes	\$0.00 - notice only

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

2nd mortgage on residence located at 1321 Stonehendge Drive, Williamstown NJ 08094 financed with Real Time Solutions

1st mortgage on residence - Shellpoint Mortgage Servicing - Arrears cured through loan mod; Payments will be maintained outside of the Plan.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ 0.00 to be distributed *pro rata*

☐ Not less than 100 percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 5/10/2017.

Explain below *why* the plan is being modified:

To list Shellpoint Mortgage Servicing as unaffected by the plan because the arrearages were cured through a loan modification; Debtor will maintain payments outside of the Plan.

Explain below *how* the plan is being modified:

To list Shellpoint Mortgage Servicing as unaffected by the plan because the arrearages were cured through a loan modification; Debtor will maintain payments outside of the Plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 5/10/2017

/s/ Seymour Wasserstrum
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 5/10/2017

/s/ Leonard Emerle
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Leonard J Emerle
 Debtor

Case No. 16-16743-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 31

Date Rcvd: May 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2017.

db
 516108446 +Leonard J Emerle, 1321 Stonehenge Drive, Williamstown, NJ 08094-1961
 516108447 +American Coradius International LLC, 2420 Sweet Home Rd, Ste 150, Amherst, NY 14228-2244
 516194209 American Express, PO Box 360002, Ft Lauderdale, FL 33336-0002
 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 516108448 Bank Of America, PO Box 7047, Dover, DE 19903-7047
 516108449 Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285
 516135356 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516108450 Citimortgage, PO Box 660065, Dallas, TX 75266-0065
 516108451 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell, PO Box 80409, Austin, TX 78708)
 516319251 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 516108456 +Karen Emerle, 1321 Stonehenge Drive, Williamstown, NJ 08094-1961
 516108459 +Lyons Doughty & Veld Huis, 136 Gaither Drive, Suite 100,, Mount Laurel, NJ 08054-2239
 516194777 +MTGLQ Investors, L.P., c/o Shellpoint Mortgage Servicing, PO Box 10826,
 Greenville, SC 29603-0826
 516108460 +Macys, P.O. Box 8218, Mason, OH 45040-8218
 516108462 Office Of Attorney General, 25 Market Street, PO Box 112, Richard J Hughes Justice Complex,
 Trenton, NJ 08625-0112
 516108463 +Phelan Hallinan, Diamond, & Jones, PC, 400 Fellowship Road Suite 100,
 Mt. Laurel, NJ 08054-3437
 516285798 +Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco,
 Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 516108467 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State Of New Jersey, P.O. Box 245,
 Dept Of Treasury-Division Of Taxation, Trenton, NJ 08695-0245)
 516108466 Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 17 2017 22:20:43 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 17 2017 22:20:41 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516108454 E-mail/Text: cio.bncmail@irs.gov May 17 2017 22:20:09 Internal Revenue Service,
 P.O. Box 744, Special Procedure Branch, Springfield, NJ 07081
 516108455 E-mail/PDF: gecsedirecoverycorp.com May 17 2017 22:16:12 JC Penney, 2004 Bassett Avenue,
 El Paso, TX 79901-1923
 516108457 +E-mail/Text: bnckohlsnotices@becket-lee.com May 17 2017 22:20:01 Kohls, PO Box 3115,
 Milwaukee, WI 53201-3115
 516108458 E-mail/PDF: gecsedirecoverycorp.com May 17 2017 22:15:58 Lowes, PO Box 530914,
 Atlanta, GA 30353-0914
 516108461 +E-mail/Text: bankruptcydpt@mcmcg.com May 17 2017 22:20:41 Midland Funding,
 8875 Aero Dr, Ste 200, San Diego, CA 92123-2255
 516108464 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 17 2017 22:23:39
 Portfolio Recovery, 120 Corporate Blvd Ste 1, Norfolk, VA 23502
 516322794 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 17 2017 22:35:56
 Portfolio Recovery Associates, LLC, c/o Jc Penney, POB 41067, Norfolk VA 23541
 516322890 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 17 2017 22:36:11
 Portfolio Recovery Associates, LLC, c/o Lowes, POB 41067, Norfolk VA 23541
 516108465 +E-mail/Text: bkdepartment@rtresolutions.com May 17 2017 22:20:51 Real Time Resolutions,
 1349 Empire Central Drive, Suite 150, Dallas, TX 75247-4029
 516108468 +E-mail/Text: bnc@alltran.com May 17 2017 22:19:59 United Recovery Systems,
 P.O. Box 722910, Houston, TX 77272-2910

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

lm* +Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826
 516108453* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, PO Box 724, Springfield, NJ 07081)
 516108452* +Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: May 17, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 10, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MTGLQ INVESTORS, L.P. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Joshua I. Goldman on behalf of Creditor MTGLQ INVESTORS, L.P. jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Seymour Wasserstrum on behalf of Debtor Leonard J Emerle mylawyer7@aol.com,
ecf@seymourlaw.net;r47769@notify.bestcase.com

TOTAL: 5